

**From:** Adoptabroadinc@aol.com  
**Sent:** Thursday, October 16, 2003 8:04 AM  
**To:** adoptionregs@state.gov  
**Subject:** RE: adoption State/AR 01/96 Hague Convention

Dear Sir,

In response to the proposed regulations regarding adoption service providers I would like to raise the following objections:

1. As the wording stands, I am lead to believe that the regulations would cover ALL adoptions coming into the U.S, as they are a Convention country.

2. FACILITATORS, licensed under some states adoption laws, not so in others. As the proposed regulation stands, this would not require facilitators to comply, if the parents and not the facilitator chooses the child. In almost all cases the parents choose their child.

This clause if left in, allows some facilitators to provide services without needing to comply to the treaty, others by virtue of State law must comply and agencies have to apply. Therefore unlicensed facilitators would have an unfair advantage because they can provide services but are not required to adhere to educational, state or federal compliance.

3. Point 6 Subpart(F) qualifications for home study preparer... "Specifically the new rules as proposed require individuals performing home studies or child background checks to have a minimum of a saster's degree in SOCIAL WORK EDUCATION".

This wording must be changed to adhere to another statement made in on page 54101 Federal Register Vol 68 No. 178 §96.37 (2) "A master's degree (or doctorate) in a related human service field, including but not limited to psychology, psychiatry, psychiatric nursing, counseling, rehabilitation counseling or paster counseling".

Any and ALL references to educational requirements MUST be stated to include the broad spectrum of mental health & social services as in §96.37. To do otherwise will result in discriminatory practices as to who can be hired and perform various job functions based not upon their qualifications, but on having a specific degree. Such discriminatory practices are already in effect in several states, specifically the state of New Jersey, where all regulations are written that only social workers can hold any supervisory & management positions.

4. § Subpart N- Temporary Accreditation. The requirements call for 1. State licensure and 2. --3 YEARS PRIOR TO THE TAD been providing intercountry adoptions.

THIS CLAUSE WOULD ESSENTIALLY CLOSE MY BUSINESS. We have spent close to 2 years preparing for licensure and have just received it on OCTOBER 1st, 2003. If this clause remains in, we would be ineligible to receive our independent license.

This is an unfair clause, that will exclude any small new business. Since you cannot provide services in most States until you receive licensure, any agency that falls below this clause is out.

As an alternative we would have to rely on other licensed agencies to oversee our work. Naturally this will incur fees for this service, which we will be forced to pass onto our clients and thus become noncompetitive due to pricing.

This is an UNFAIR time clause to companies who have already completed their State requirements and have received independent licensure. As such this time clause must be removed to ensure small, new business can remain open. This item must be removed according to The Regulaotry Flexibility Act (RFA) 5 U.S.C. 601-612.

5. Agencies that need to work as Suprvised Providers are subject to working under the larger "Approved"

10/17/2003

providers which can and will lead to situations where people/agencies are unable to find providers due to liability and/or due to an agency's desire to curb the competition.

If this Statute is left in place, the STATE DEPARTMENT must provide the supervisors. This needs to be done at either the State or Federal level to ensure that smaller start up agencies and providers have fair access to services at fair prices. This should not be an opportunity to have the larger and established agencies find yet another means of revenue!

6. Home Studies for any international adoption should be required to have sign off or be performed by an approved provider. It should not be allowed that independent home study providers, not necessarily required to be licensed under adoption laws in many states, be able to provide services but not have to comply with the extensive requirements of the Hague treaty. Otherwise it is an unfair burden on some providers, but not all.

7. Exempted Persons this definition is vague and leads to allowing people in some States to provide home studies, facilitation of adoption, and other related adoption services and others to require not only State licensure, but Federal as well.

The regulations must be fair for all- education requirements, insurance requirements, state licensure for all adoption related services and then if international adoptions, Federal under the State Department Hague Convention.

8. Site inspections. This is a requirement of most State licensing boards. Site inspections for the Hague requirements should go through them as well. As it is written an agency would have a minimum of two site inspections per year and theoretically pass at their State level, but fail on the Federal.

Again, this requirement would only be placed upon agencies and not those individuals who can meet the exempt requirements. This places an unfair economic burden on agencies.

9. Further clarity and definition is needed on the clause relating to liabilities. Again this appears to be written so that only large agencies, who employ staff in other countries can meet this requirements.

Smaller agencies rely on facilitators or even volunteers in other countries to provide services.

This clause needs to be changed so that smaller agencies can continue to use such providers.

Blanket liability clause needs to be removed and given more specific definition.

10. Continuing education requirements. 20 hours per year per person is too much. In my small agency that would mean 80 hours per year of paid continuing education credits we have to pay for. I would like to remind you that all of the staff is already licensed and have to perform various continuing education requirements for that licensure as well, most often in prescribed educational areas. Thus many staff members would be required to perform 30-40 hours per year of continuing education and unfair time and cost burden.

While all of us support continuing education. The 20 hours per year is far too much. I suggest 10.

Keep in mind that most of us already have advanced degrees and would be going to seminars on topics we have already heard, just to complete required hours.

Again this also underscores the point that certain "exempt" providers would not have to comply. This creates an unfair economic advantage to anyone who can circumvent Hague treaty requirements. The ground rules must be fair for all.

I hope my remarks are noted and accepted, especially the requirement for the Temporary licensure and the required 3 year period, must be removed.  
Many thanks for your kind attention.

Best regards,

Carol L. Kinley-Albers  
President

10/17/2003

Adopt-Abroad Inc.  
Langhorne, PA

10/17/2003